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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 005513.P003

(maximum 12 characters)

First Named Inventor Ulrich Martin Graf

Title: RADIOTHERAPY APPARATUS EQUIPPED WITH AN ARTICULABLE GANTRY FOR POSITIONING AN IMAGING UNIT

Express Mail Label No. EL 672 750 138 US

10/033327  
10/033327  
11/02/01

11/02/01

ADDRESS TO: Box Patent Application  
Commissioner for Patents  
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  X  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2.   Applicant Claims Small Entity Status. (37 CFR 1.27)
3.  X  Specification (Total Pages  19 )  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  X  Drawings(s) (35 USC 113) (Total Sheets  10 )
5.  X  Oath or Declaration (Total Pages  5 )
  - a.   Newly Executed (Original or Copy)
  - b.   Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 18 completed)
    - i.    DELETIONS OF INVENTOR(S)  Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c.  X  Unsigned.
6.   Application Data Sheet. (37 CFR 1.76)
7.   CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.   Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.   Computer Readable Form (CRF)
  - b.   Specification Sequence Listing on:
    - i.   CD-ROM or CD-R (2 copies); or
    - ii.   paper
  - c.   Statement verifying identity of above copies

[illegible]

- 18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

**Applicant(s):** Also include a Preliminary Amendment to amend the specification to claim priority. For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

The undersigned states that \_\_\_\_\_ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel No. \_\_\_\_\_ Frame No. \_\_\_\_\_ (or a copy of which is attached).

|          |                                   |   |
|----------|-----------------------------------|---|
| <b>X</b> | Customer Number or Bar Code Label | <div style="border-bottom: 1px solid black; display: inline-block; width: 100%;">008791</div> <div style="font-size: small; margin-top: 5px;">(Insert Customer No. or Attach Bar Code Label here)</div> |
|----------|-----------------------------------|---|

Date:

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**First Named Inventor Ulrich Martin GrafTitle Radiotherapy Apparatus Equipped with an Articulate Gantry for Positioning an Imaging UnitAttorney Docket No. 005513.P003

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11/2/01  
Date

  
Signature

Daniel E. Ovanezian  
Typed or Printed Name

41,236  
Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

Serial/Patent No.: Not yet assigned Filing/Issue Date: Herewith (11/2/01)  
Client: Varian Medical Systems, Inc.  
Title: Radiotherapy Apparatus Equipped with an Articulable Gantry for Positioning an Imaging Unit  
BSTZ File No.: 005513.P003 Atty/Secty Initials: DEO/MDG/den  
Date Mailed: November 2, 2001 Docket Due Date: \*\*\*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |
|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input checked="" type="checkbox"/> Express Mail No.: <u>EL672750138US</u> <input checked="" type="checkbox"/> Check No. <u>46289</u>    |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                                    | <input type="checkbox"/> _____ Month(s) Extension of Time Amt: <u>\$932.00</u>   |
| <input checked="" type="checkbox"/> Application - Utility ( <u>19</u> pgs., with cover and abstract) | <input checked="" type="checkbox"/> Information Disclosure Statement & PTO 144 ( <u>3</u> pgs.) <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                         | <input type="checkbox"/> Issue Fee Transmittal Amt: _____  |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                           | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                                  | <input type="checkbox"/> Petition for Extension of Time  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                      | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Application - Design (____ pgs.)  | <input checked="" type="checkbox"/> Postcard   |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)   |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                       | <input type="checkbox"/> Preliminary Amendment (____ pgs.)   |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)   |
| <input checked="" type="checkbox"/> Certificate of Mailing w/postcard Express <u>unassigned</u>      | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs.)                               | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business   |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Invention Signed Letter (____ pgs.)        | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate   |
| <input checked="" type="checkbox"/> Drawings: <u>10</u> # of sheets includes <u>10</u> figures       | <input type="checkbox"/> Fee Transmittal, in duplicate   |

☒ Other: Request and Certification Under 35 U.S.C.122(b)(2)(B)(i); and Copies of cited references (5)

### EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL 672 750 138 US

Date of Deposit: November 2, 2001

I hereby certify that I am causing this paper or fee, and the documents indicated on the postcard above, to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to: Box Patent Application, Commissioner for Patents, Washington, D. C. 20231

Dianne Neathery

(Typed or printed name of person mailing paper or fee)

Dianne Neathery

(Signature of person mailing paper or fee, and 11-2-01 date of signature)

**FEE TRANSMITTAL FOR FY 2002****TOTAL AMOUNT OF PAYMENT (\$)** \$932.00**Complete if Known:**

**Application No.** Not yet assigned  
**Filing Date** Herewith (Nov. 2, 2001)  
**First Named Inventor** Ulrich Martin Graf  
**Group Art Unit** Not yet assigned  
**Examiner Name** Not yet assigned  
**Attorney Docket No.** 005513.P003

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

**Deposit Account Number** 02-2666  
**Deposit Account Name** \_\_\_\_\_

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. X Payment Enclosed: X Check  
 \_\_\_\_\_ Money Order  
 \_\_\_\_\_ Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description                    | Fee Paid      |
|--------------|----------|--------------|----------|------------------------------------|---------------|
| Code         | Fee (\$) | Code         | Fee (\$) |                                    |               |
| 101          | 740      | 201          | 370      | Utility application filing fee     | <u>740.00</u> |
| 106          | 330      | 206          | 165      | Design application filing fee      | _____         |
| 107          | 510      | 207          | 255      | Plant filing fee                   | _____         |
| 108          | 740      | 208          | 370      | Reissue filing fee                 | _____         |
| 114          | 160      | 214          | 80       | Provisional application filing fee | _____         |

**SUBTOTAL (1)** \$ 740.00**2. EXTRA CLAIM FEES**

|                    |           | Extra Claims      | Fee from below | Fee Paid        |
|--------------------|-----------|-------------------|----------------|-----------------|
| Total Claims       | <u>26</u> | - 20** = <u>6</u> | X <u>18.00</u> | = <u>108.00</u> |
| Independent Claims | <u>4</u>  | - 3** = <u>1</u>  | X <u>84.00</u> | = <u>84.00</u>  |
| Multiple Dependent |           |                   |                | = _____         |

**\*\*Or number previously paid, if greater; For Reissues, see below.**

| Large Entity |          | Small Entity |          | Fee Description   |
|--------------|----------|--------------|----------|---|
| Code         | Fee (\$) | Code         | Fee (\$) |   |
| 103          | 18       | 203          | 9        | Claims in excess of 20                                    |
| 102          | 84       | 202          | 42       | Independent claims in excess of 3                         |
| 104          | 280      | 204          | 140      | Multiple dependent claim, if not paid                     |
| 109          | 84       | 209          | 42       | **Reissue independent claims over original patent         |
| 110          | 18       | 210          | 9        | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** \$ 192.00

# FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| <u>Large Entity</u> |                 | <u>Small Entity</u> |                 | <u>Fee Description</u>   | <u>Fee Paid</u> |
|---------------------|-----------------|---------------------|-----------------|--|-----------------|
| <u>Fee Code</u>     | <u>Fee (\$)</u> | <u>Fee Code</u>     | <u>Fee (\$)</u> |  |                 |
| 105                 | 130             | 205                 | 65              | Surcharge - late filing fee or oath  | _____           |
| 127                 | 50              | 227                 | 25              | Surcharge - late provisional filing fee or cover sheet                     | _____           |
| 139                 | 130             | 139                 | 130             | Non-English specification  | _____           |
| 147                 | 2,520           | 147                 | 2,520           | For filing a request for ex parte reexamination                            | _____           |
| 099                 | 8,800           | 099                 | 8,800           | Request for inter parties reexamination                                    | _____           |
| 112                 | 920*            | 112                 | 920*            | Requesting publication of SIR prior to Examiner action                     | _____           |
| 113                 | 1,840*          | 113                 | 1,840*          | Requesting publication of SIR after Examiner action                        | _____           |
| 115                 | 110             | 215                 | 55              | Extension for reply within first month                                     | _____           |
| 116                 | 400             | 216                 | 200             | Extension for reply within second month                                    | _____           |
| 117                 | 920             | 217                 | 460             | Extension for reply within third month                                     | _____           |
| 118                 | 1,440           | 218                 | 720             | Extension for reply within fourth month                                    | _____           |
| 128                 | 1,960           | 228                 | 980             | Extension for reply within fifth month                                     | _____           |
| 119                 | 320             | 219                 | 160             | Notice of Appeal   | _____           |
| 120                 | 320             | 220                 | 160             | Filing a brief in support of an appeal                                     | _____           |
| 121                 | 280             | 221                 | 140             | Request for oral hearing   | _____           |
| 138                 | 1,510           | 138                 | 1,510           | Petition to institute a public use proceeding                              | _____           |
| 140                 | 110             | 240                 | 55              | Petition to revive - unavoidable   | _____           |
| 141                 | 1,280           | 241                 | 640             | Petition to revive - unintentional   | _____           |
| 142                 | 1,280           | 242                 | 640             | Utility issue fee (or reissue)   | _____           |
| 143                 | 460             | 243                 | 230             | Design issue fee   | _____           |
| 144                 | 620             | 244                 | 310             | Plant issue fee  | _____           |
| 122                 | 130             | 122                 | 130             | Petitions to the Commissioner  | _____           |
| 123                 | 50              | 123                 | 50              | Processing fee under 37 CFR 1.17(q)  | _____           |
| 126                 | 180             | 126                 | 180             | Submission of Information Disclosure Stmt                                  | _____           |
| 581                 | 40              | 581                 | 40              | Recording each patent assignment per property (times number of properties) | _____           |
| 146                 | 740             | 246                 | 370             | For filing a submission after final rejection (see 37 CFR 1.129(a))        | _____           |
| 148                 | 110             | 248                 | 55              | Statutory Disclaimer   | _____           |
| 149                 | 740             | 249                 | 370             | For each additional invention to be examined (see 37 CFR 1.129(b))         | _____           |
| 179                 | 740             | 279                 | 370             | Request for Continued Examination (RCE)                                    | _____           |
| 169                 | 900             | 169                 | 900             | Request for expedited examination of a design application                  | _____           |
| 195                 | 300             | 195                 | 300             | Publication fee for early, voluntary, or normal pub.                       | _____           |
| 196                 | 300             | 196                 | 300             | Publication fee for republication  | _____           |
| 194                 | 130             | 194                 | 130             | Request for voluntary publication or republication                         | _____           |
| 098                 | 130             | 098                 | 130             | Processing fee under 37 CFR 1.17(i) (except provisionals)                  | _____           |
| 091                 | 1,280           | 091                 | 1,280           | Acceptance of unintentionally delayed claim for priority                   | _____           |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ .00**

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY:

Typed or Printed Name: Daniel E. Ovanezian

Signature:  Date: 11/2/01

Reg. Number: 41,236 Telephone Number: (408) 720-8300